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MEMO

TO: House Natural Resources, Great Lakes, Land Use, and Environment  
Committee  
FROM: Mary Ellen Gondeck, SSJ *MEG*  
RE: Water Use Legislation, SB 850-852, 854, 857  
DATE: Feb. 1, 2006

The Sisters of St. Joseph, Nazareth, MI are very concerned about the issue of water not only in the state of Michigan, but throughout the world. For this reason we have been active in a number of efforts to bring to the attention of our legislators and our communities some of the concerns we hope to address today because of our presence here in Lansing at this important hearing.

Many positive steps have been taken to protect our natural resources, particularly water. There are several areas that we think could be strengthened to provide a greater level of protection for our lakes, rivers and streams that reflect their importance to both our economy and our way of life. Three areas come to mind, including diversion protection, the encouragement of efficient use of water resources, and the prevention of adverse impacts to our natural resources and wildlife habitat.

Diversion Protection

Currently, the only true defense we have against a Great Lakes diversion is the Water Resources Development Act (WRDA) which is a federal law that gives the Governors of the Great Lakes states the authority to veto out-of-basin diversions. That authority has been challenged in a lawsuit filed in the State of Michigan by the Nestle Water Corporation. If the Nestle lawsuit is successful, Michigan will have no ability to prevent an out-of-basin diversion. We urge the committee to provide a first line of defense against diversions by requiring legislative approval for any project that seeks to sell water outside the Great Lakes basin.

### Efficient Use of Water

It makes good sense to use water efficiently. It can save businesses money and reduce the risk of impacts on our natural resources. It will also be a critical issue if we ever need to fight an unwise diversion of Great Lakes water. If we require the efficient use of water in Michigan, we can mandate a potential diverter of Great Lakes water to show they are also using water efficiently before attempting to divert Great Lakes water. We urge the committee to adopt an amendment that would require each water-using sector to develop generally accepted water management practices for their industry. Each user within that sector should then certify that they are following those practices when they register their use with the state.

### Resource Protection

The current definition of adverse resource impact focuses narrowly on the impact a water withdrawal would have on fish populations within lakes, rivers, and streams. However, it does not address situations such as trees dying from lack of water, backyard ponds being dried up, or impairments on wildlife habitat. This approach could leave Michigan residents exposed to potential wildlife habitat damages to their private property with no avenue of relief. We urge the committee to adopt an amendment that would expand the definition of adverse resource impact to include damages to natural resources located on people's private property caused by a water withdrawal.

The Sisters of St. Joseph look forward to working with the committee to make sure the water use legislation reflects the high value Michigan residents place on protecting our most precious resource.